

## CEMETERY BOARD MEETING

### MINUTES

January 9, 2008

The Cemetery Board met on January 9, 2008, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia. The following members were present:

Kenneth R. Bell, Chairman  
Isabel Berney  
Mike Doherty  
Randy Gleason  
Delores King  
Mike Kirsch

DPOR staff present for all or part of the meeting included:

Jay W. DeBoer, Director  
Christine Martine, Executive Director  
Bonnie Rhea Adams, Director of Complaint  
Analysis, & Resolution  
Herb Nichols, Investigator  
Emily Trent, Administrative Assistant

Thomas Nesbitt from the Office of the Attorney General was present at the meeting.

Chairman Bell called the meeting to order at 9:09 AM

**Call to Order**

No one addressed the Board during the Public Comment period.

**Public Comment**

A motion was made by Mr. Doherty and seconded by Mr. Kirsch to approve the agenda. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Doherty, Gleason, King, and Kirsch.

**Agenda**

A motion was made by Mr. Kirsch and seconded by Mr. Doherty to adopt the October 17, 2007, Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Doherty, Gleason, King, and Kirsch. A motion was made by Mr. Doherty and seconded by Mr. Gleason to adopt the December 6, 2007, Informal Fact-Finding Conference minutes. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Doherty, Gleason, King, and Kirsch.

**Minutes**

In the matter of **File Number 2008-00018, Greenlawn, LLC**, the Board reviewed the record which consisted of the Consent Order. A motion was made by Ms. Berney and seconded by Ms. King to accept the Consent Order wherein Greenlawn, LLC admits to violations of §54.1-2319 (6 violations) of the *Code of Virginia* (Count 1), and §54.1-2325 (5 violations) of the *Code of Virginia* (Count 2), and 18 VAC 47-20-190.6 (2 violations) of the Board's 2005 Regulations (Count 3) and agrees to a monetary penalty of \$250.00 for the violations contained in Count 1, \$250.00 for the violations contained in Count 2, \$100.00 for the violations contained in Count 3, and agrees to pay \$150.00 in Board costs for a total of \$750.00. Additionally, for the violation of Counts 1-3, Greenlawn, LLC agrees to provide the Board with copies of the bank statements showing the total deposits for the perpetual care trust fund and the preneed trust fund for 2006, within thirty (30) days of the effective date of the Order. Also, Greenlawn, LLC agrees to provide the Board with a New Trustee/Transfer of Funds Notification Form, showing the current trustee for both trust funds, within thirty (30) days of the effective date of the Order. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Doherty, Gleason, King and Kirsch.

**File Number 2008-00018,**  
**Greenlawn, LLC**

In the matter of **File Number 2008-00076, Williamsburg Memorial Park**, the Board reviewed the record which consisted of the Consent Order. A motion was made by Mr. Kirsch and seconded by Ms. Berney to accept the Consent Order wherein Williamsburg Memorial Park admits to a violation of §54.1-2319, of the *Code of Virginia* (Count 1) and agrees to a monetary penalty of \$250.00 for the violation contained in Count 1 and agrees to pay \$150.00 in Board costs for a total of \$400.00. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Doherty, Gleason, King and Kirsch.

**File Number 2008-00076,**  
**Williamsburg Memorial**  
**Park**

In the matter of **File Number 2008-02211, Richard Chisom**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Chisom, the applicant, was present and addressed the Board. A motion was made by Ms. Berney and seconded by Ms. King to approve Mr. Chisom's application for a cemetery sales personnel registration. The motion did not pass. Members voting "Yes" were Berney and King. Members voting "No" were Bell, Doherty and Gleason.

**File Number 2008-02211,**  
**Richard Chisom**

A motion was made to Mr. Doherty and seconded by Mr. Bell to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve the application and to instead deny Chisom's application due to nature of the convictions, the seriousness of the

offenses and the relationship of these to the trust needed to be a sales person, as this individual deals with money. The Board is of the opinion that they could not protect the public if it granted the sales personnel registration. The motion passed by majority vote. Members voting "Yes" were Bell, Doherty and Gleason. Members voting "No" were Berney and King.

Due to a possible conflict of interest, Mr. Kirsch recused himself from voting in this matter.

In the matter of **File Number 2008-02264, Letisha Washington**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Washington, the applicant, was present and addressed the Board. A motion was made by Ms. Berney and seconded by Mr. Kirsch to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Ms. Washington's application for a cemetery sales personnel registration. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Doherty, Gleason, King, and Kirsch.

**File Number 2008-02264,  
Letisha Washington**

Ms. Martine informed the Board of the current status of the Franklin Memorial Park matter. No action was taken by the Board.

**Administrative Matters**

The meeting adjourned at 9:25 AM.

**Adjourn**

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Kenneth Bell, Chairman

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Jay DeBoer, Secretary